

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

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STATE OF OKLAHOMA	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:05-cv-00329-GKF-PJC
	)	
TYSON FOODS, INC., et al.	)	
	)	
Defendants.	)	

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**JOINT MOTION FOR PARTIAL MODIFICATION OF THE  
PRE-TRIAL DEADLINE FOR SUBMISSION OF DEPOSITION TRANSCRIPTS  
ANNOTATED WITH OBJECTIONS AND BRIEFS ON UNUSUAL OBJECTIONS**

Come now Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Poultry, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., George's, Inc., George's Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, Simmons Foods, Inc., Cal-Maine Foods, Inc., and Cal-Maine Farms, Inc., and Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, J.D. Strong, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, and respectfully move the Court for a partial modification of the pre-trial deadline for submitting transcripts annotated with objections contained in the Court's May 8, 2009 Scheduling Order (Dkt. No. 2026) ("Scheduling Order"). In support of this motion, the parties state as follows:

1. Pursuant to the Court's Scheduling Order, the parties exchanged deposition designations on July 1, 2009 and counter designations on July 15, 2009. The parties are required to meet and confer regarding these designations and submit final transcripts annotated with objections on July 29, 2009.

2. The parties began the meet and confer process regarding these designations and objections, as required under Local Rule 30.1(c), on the morning of Thursday, July 23, 2009. By Friday, July 24 at mid-morning, the parties were able to complete the meet and confer exercise on approximately 20 of more than 80 depositions.

3. The parties, having conferred on this issue, believe they will be unable to complete their meet and confer on the designated depositions and objections and also provide the Court with complete annotated copies of the transcripts by July 29, 2009.

4. The parties respectfully request a modification of the Scheduling Order permitting the parties to submit the deposition transcripts annotated with objections no later than Friday, August 7, 2009.

5. The parties have discussed and identified multiple contemplated Motions in Limine which will address designations for several witnesses. The parties will file these Motions by the August 5, 2009 deadline for Motions in Limine as contemplated by the Scheduling Order.

6. The requested modification, as set forth above, will permit the parties to adequately meet and confer on the substantial number of designations and objections made in this case. This time will reduce and clarify the issues that will ultimately be placed before the Court regarding these designations. Accordingly, all the parties and the Court would benefit from this modification.

7. The requested scheduling modification will not affect any other previously scheduled pre-trial deadlines, nor will it affect the scheduled trial date.

WHEREFORE, Defendants Tyson Foods, Inc., Tyson Chicken, Inc., Tyson Poultry, Inc., Cobb-Vantress, Inc., Peterson Farms, Inc., George's, Inc., George's Farms, Inc., Cargill, Inc., Cargill Turkey Production, LLC, Simmons Foods, Inc., Cal-Maine Foods, Inc., and Cal-Maine Farms, Inc., and Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as

Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, J.D. Strong, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, request that their Joint Motion for Partial Modification of the Pre-Trial Deadline for Submitting Transcripts Annotated with Objections & Briefs on Unusual Objections be granted.

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

I certify that on the 24th day of July, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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I also hereby certify that I served the attached documents by United States Postal Service, proper postage paid, on the following who are not registered participants of the ECF System:

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